SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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Oct-26-2009 10:34 am

Case Number: CGC-09-493770

Filing Date: Oct-26-2009 10:25

Juke Box: 001 Image: 02655012

COMPLAINT

CITY AND COUNTY OF SAN FRANCISCO, A MUNICIPAL et al VS. TARUNKUMAR K PATE

001C02655012

Instructions:
Please place this sheet on top of the document to be scanned.

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: TARUNKUMAR K. PATEL, as Trustee, or any
(AVISO AL DEMANDADO): Successor Trustee(s) of the PATEL FAMILY REVOCABLE TRUST DATED DECEMBER 31, 2002; VINODKUMAR R. PATEL and SANGITA V. PATEL, as Trustees of THE VINODKUMAR R. PATEL AND SANGITA V. PATEL LIVING TRUST, DATED AUGUST 29, 2001; VYOMESH R. PATEL, as Trustee of THE VYOMESH R. PATEL LIVING TRUST, DATED AUGUST 29, 2001; MOHAMMED SHAIKH; NASIR SHAIKH; and DOE ONE through DOE FIFTY, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: CITY AND COUNTY OF SAN
(LO ESTÁ DEMANDANDO EL DEMANDANTE): FRANCISCO, a Municipal Corporation, and the PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J. HERRERA, City Attorney for the CITY AND COUNTY OF SAN FRANCISCO,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.
¡AVISO! *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a* continuación

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO
400 McAllister Street, Room 103
San Francisco, CA 94102

CASE NUMBER:
(Número del Caso):
CGC-09-493770

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
DENNIS J. HERRERA, City Attorney p 415-554-3852 f 415-437-4644
CURTIS CHRISTY-CIRILLO, Deputy City Attorney (#188105)
1390 Market Street, Sixth Floor
San Francisco, CA 94102

DATE: *(Fecha)* OCT 26 2009
Gordon Park-Li, Clerk, by *(Secretario)* D. STEPPE, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO (SEAL) EUREKA

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*
   under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
   ☐ other *(specify):*
4. ☐ by personal delivery on *(date):*

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Legal Solutions Plus

Code of Civil Procedure §§ 412.20, 465

ORIGINAL

CM-010

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
DENNIS J. HERRERA, City Attorney
ALEX G. TSE, Chief Attorney (#152348)
CURTIS CHRISTY-CIRILLO, Deputy City Attorney (#188105)
1390 Market Street, Sixth Floor
San Francisco, CA 94102
TELEPHONE NO.: 415-554-3852 FAX NO.:
ATTORNEY FOR (Name): Plaintiffs

FILED
San Francisco County Superior Court
OCT 26 2009
GORDON PARK-LI, Clerk
BY: Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street, Room 103
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME:

CASE NAME: CITY AND COUNTY OF SAN FRANCISCO v. TARUNKUMAR K. PATEL, et al.

CIVIL CASE COVER SHEET
[X] Unlimited (Amount demanded exceeds $25,000) [ ] Limited (Amount demanded is $25,000 or less)

Complex Case Designation
[ ] Counter [ ] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: CGC-09-493770
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
[ ] Auto (22)
[ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
[ ] Asbestos (04)
[ ] Product liability (24)
[ ] Medical malpractice (45)
[ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
[ ] Business tort/unfair business practice (07)
[ ] Civil rights (08)
[ ] Defamation (13)
[ ] Fraud (16)
[ ] Intellectual property (19)
[ ] Professional negligence (25)
[ ] Other non-PI/PD/WD tort (35)

Employment
[ ] Wrongful termination (36)
[ ] Other employment (15)

Contract
[ ] Breach of contract/warranty (06)
[ ] Rule 3.740 collections (09)
[ ] Other collections (09)
[ ] Insurance coverage (18)
[ ] Other contract (37)

Real Property
[ ] Eminent domain/Inverse condemnation (14)
[ ] Wrongful eviction (33)
[ ] Other real property (26)

Unlawful Detainer
[ ] Commercial (31)
[ ] Residential (32)
[ ] Drugs (38)

Judicial Review
[ ] Asset forfeiture (05)
[ ] Petition re: arbitration award (11)
[ ] Writ of mandate (02)
[ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
[ ] Antitrust/Trade regulation (03)
[ ] Construction defect (10)
[ ] Mass tort (40)
[ ] Securities litigation (28)
[ ] Environmental/Toxic tort (30)
[ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
[ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
[ ] RICO (27)
[X] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
[ ] Partnership and corporate governance (21)
[ ] Other petition *(not specified above)* (43)

2. This case [ ] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [X] monetary b. [X] nonmonetary; declaratory or injunctive relief c. [X] punitive
4. Number of causes of action *(specify)*: Three
5. This case [ ] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: October 26, 2009
CURTIS CHRISTY-CIRILLO, Deputy City Attorney
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Legal Solutions Plus

Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740; Cal. Standards of Judicial Administration, std. 3.10

ORIGINAL

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CITY AND COUNTY OF SAN FRANCISCO AND
PEOPLE OF THE STATE OF CALIFORNIA

FILED
San Francisco County Superior Court
OCT 26 2009
GORDON PARK-LI, Clerk
BY: Deputy Clerk
SUMMONS ISSUED
CASE MANAGEMENT CONFERENCE SET
MAR 26 2010 - 9:00 AM
DEPARTMENT 212

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

CITY AND COUNTY OF SAN FRANCISCO, a Municipal Corporation, and the PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J. HERRERA, City Attorney for the CITY AND COUNTY OF SAN FRANCISCO,

Plaintiffs,

vs.

TARUNKUMAR K. PATEL, as Trustee, or any Successor Trustee(s) of the PATEL FAMILY REVOCABLE TRUST DATED DECEMBER 31, 2002; VINODKUMAR R. PATEL and SANGITA V. PATEL, as Trustees of THE VINODKUMAR R. PATEL AND SANGITA V. PATEL LIVING TRUST, DATED AUGUST 29, 2001; VYOMESH R. PATEL, as Trustee of THE VYOMESH R. PATEL LIVING TRUST, DATED AUGUST 29, 2001; MOHAMMED SHAIKH; NASIR SHAIKH; and DOE ONE through DOE FIFTY, inclusive,

Defendants.

Case No. CGC-09-493770

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

Type of Case: (42) Other Complaint

The CITY AND COUNTY OF SAN FRANCISCO ("City"), a municipal corporation, and THE PEOPLE OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney Dennis J. Herrera (collectively, "Plaintiffs"), file their complaint against TARUNKUMAR K. PATEL, as Trustee, or any Successor Trustee(s) of the PATEL FAMILY REVOCABLE TRUST DATED DECEMBER 31, 2002; VINODKUMAR R. PATEL and SANGITA V. PATEL, as Trustees of THE VINODKUMAR R. PATEL AND SANGITA V. PATEL LIVING TRUST, DATED AUGUST 29, 2001; VYOMESH R. PATEL, as Trustee of THE VYOMESH R. PATEL LIVING TRUST, DATED AUGUST 29, 2001; MOHAMMED SHAIKH; NASIR SHAIKH, and DOE ONE through DOE FIFTY, inclusive (collectively, "Defendants"). Plaintiffs hereby allege as set forth below:

INTRODUCTION

1. This action arises out of Defendants' ownership, lease, maintenance, operation, and management of the property located at 2524-2532V Lombard Street, San Francisco, California.

2. Defendants use the property at 2524-2532V Lombard Street as a Single Resident Occupancy Motel ("SRO").

3. The property is operated in a fashion that harbors criminal activity and violations of habitation law, maintaining thereby a public nuisance.

4. By maintaining the property at 2524-2532V Lombard Street in a manner fostering criminal activity, and as a public nuisance, Defendants are in violation of Health and Safety Code Sections 11570-11587 (the "Drug Abatement Act").

5. By maintaining the property at 2524-2532V Lombard Street as substandard housing, and as a public nuisance, Defendants have violated Health and Safety Code Sections 179220-17980.9 (the "State Housing Law").

6. By maintaining the property at 2524-2532V Lombard Street as substandard housing, and as a public nuisance, Defendants have violated the San Francisco Housing Code.

7. By maintaining the property at 2524-2532V Lombard Street as substandard housing, and as a public nuisance, Defendants have violated the San Francisco Health Code.

8. By maintaining the property at 2524-2532V Lombard Street in violation of numerous provisions of state and local law, and as a public nuisance, Defendants are engaging in unfair and

unlawful business practices in violation of Business and Professions Code Sections 17200-17210 (the "Unfair Competition Law" or "UCL").

PARTIES AND SUBJECT PROPERTY

9. Plaintiff City and County of San Francisco is a municipal corporation organized and existing under and by virtue of the laws of the State of California.

10. The City and County of San Francisco brings this action under Civil Code Sections 3479, 3480, 3491, 3494, and Code of Civil Procedure Section 731, and Health and Safety Code Sections 11570-11587 and 17920 -17992.

11. The People of the State of California, by and through San Francisco City Attorney Dennis J. Herrera, bring this action pursuant to Civil Code Sections 3479, 3480, 3491, 3494, Code of Civil Procedure Section 731, and the Unfair Competition Law.

12. The property is a building operated as a single resident occupancy hotel ("SRO"), commonly known as the Bridge Motel (the "Bridge Motel"), located at 2524-2532V Lombard Street, Block 935, Lots 3 and 4, in the City and County of San Francisco, State of California (the "Property") and more particularly described in Exhibit A, which is attached hereto and incorporated as part of this Complaint.

13. Plaintiffs are informed and believe, and therefore allege, that at all times herein mentioned, Defendant Mohammed Shaikh and Nasir Shaikh have been the lessees of the Property and as owners, managers, and operators of the SRO operating as the Bridge Motel.

14. Plaintiffs are informed and believe, and therefore allege, that at all times herein mentioned Mohammed Shaikh and Nasir Shaikh personally managed and made business decisions concerning the operation of the Bridge Motel.

15. Plaintiffs are informed and believe, and therefore allege, that at all times herein mentioned Tarunkumar K. Patel, as Trustee, or any Successor Trustee(s) of the Patel Family Revocable Trust dated December 31, 2002; Vinodkumar R. Patel and Sangita V. Patel, as Trustees of The Vinodkumar R. Patel and Sangita V. Patel Living Trust, dated August 29, 2001; Vyomesh R. Patel, as Trustee of The Vyomesh R. Patel Living Trust, dated August 29, 2001 have been the owners of the Property at all times pertinent to this complaint.

16. Defendants Doe One through Doe Fifty are sued herein under fictitious names. Plaintiffs do not at this time know the true names or capacities of said Defendants, but pray that the same may be inserted herein when ascertained.

17. At all times herein mentioned, each Defendant was an agent, servant, employee, partner, franchisee or joint venturer of each other Defendant and at all times was acting within the course and scope of said agency, service, employment, partnership, franchise, or joint venture.

18. Whenever reference is made in this Complaint to any act of "Defendants," each such allegation shall mean that each defendant acted both individually and jointly with the other Defendants. Actions taken by or omissions made by Defendants' employees or agents in the course of their employment or agency are considered to be actions or omissions of Defendants for the purposes of this Complaint.

GENERAL ALLEGATIONS

19. Defendants now are, and for a considerable period of time heretofore and at all times herein mentioned have been using, maintaining, and/or permitting use of the Property as a SRO that repeatedly operates as a public nuisance in violation of the state and local law. Representative examples of Defendants using or permitting the Property to be operated unlawfully are listed below.

I. CRIMINAL ACTIVITY ASSOCIATED TO THE BRIDGE MOTEL

20. Since April, 2009, the San Francisco Police Department ("SFPD") has had 91 calls for service to respond to the Bridge Motel relating to trespass, fights, suspicious persons, persons with knives, domestic violence, grand theft, threats, disturbance, assault with a deadly weapon, persons with guns and other nuisance and illegal activity.

21. Since August of 2008, the SFPD have made multiple arrests at the Bridge Motel.

22. On August 20, 2008, the SFPD arrested a suspect at the Bridge Motel for burglary, forcible entry, stolen property, parole violation, and possession of a stolen vehicle.

23. On December 10, 2008, SFPD arrested a female Bridge Motel resident of Room 37 for a warrant arrest to an outside jurisdiction.

24. On December 10, 2008, SFPD arrested a male Bridge Motel resident of Room 37 for a warrant arrest to an outside jurisdiction.

25. On December 10, 2008, SFPD arrested a Bridge Motel resident of Room 11 for a warrant arrest to an outside jurisdiction.

26. On December 21, 2008, SFPD arrested a Bridge Motel resident of Room 28 for theft.

27. On December 24, 2008, SFPD arrested a Bridge Motel resident of Room 7, a known sex offender, for failure to register for sexual assault of adult, and parole violation (not to be alone with a female but had a woman in his room).

28. On December 29, 2008, SFPD arrested a Bridge Motel resident of Room 37 for robbery with a knife and resisting/obstructing a peace officer's duty.

29. On February 11, 2009, SFPD arrested a Bridge Motel resident of Room 22 for possession of property relating to a local automobile burglary, probation violation, possession of a controlled substance, and throwing hypodermic needles from a window of the motel into neighboring yards.

30. On February 27, 2009, SFPD arrested the same Bridge Motel resident of Room 22 for stolen property from a local automobile burglary, fraudulent use of an automated teller card, and possession of heroin and hypodermic needles.

31. On March 1, 2009, SFPD arrested a Bridge Motel resident of Room 11 for drug sales and parole violation. The reporting officer noted that "The Bridge Motel is plagued with criminal activities, primarily narcotics, possession, sale and use. [...] It should also be noted that I have made numerous arrest of subjects within the motel and of subjects who reside in the motel."

32. On March 19, 2009, SFPD arrested a Bridge Motel resident of Room 4 for counterfeit currency.

33. On March 29, 2009, SFPD arrested a Bridge Motel resident of Room 8 for methamphetamine offense, narcotics paraphernalia and probation violation.

34. On April 21, 2009, SFPD arrested a Bridge resident of Room 27 who was swinging a golf club in the hallway and throwing glass bottles from second story window onto the street.

35. On April 24, 2009, SFPD arrested a man for drug sales. The man had been allowed into the building through a rear emergency exit by a Bridge resident of Room 31.

36. On May 5, 2009, SFPD held a Bridge Motel resident of Room 40 for investigative detention and threatening an officer.

37. On June 14, 2009, SFPD arrested a Bridge Motel resident of Room 31 for terrorist threats, malicious mischief, vandalism to property and vehicle, battery, under the influence, and throwing bottles and furniture out of room window into the neighboring parking lot. SFPD noted they had responded twice before on this individual, once for a fight.

38. On July 10, 2009, SFPD responded to a fight and a report of past domestic violence within the Bridge Motel relating to the resident in Room 31.

39. On July 12, 2009, SFPD held for mental health detention a Bridge Motel resident of Room 27 for being a danger to himself or others.

40. On July 16, 2009, SFPD arrested a Bridge Motel resident of Room 41 for a warrant for an outstanding felony.

41. On August 10, 2009 SFPD held for mental health detention a Bridge Motel resident of Room 22 for being a danger to himself or others.

42. On October 18, 2009, SFPD arrested a Bridge Motel resident of Room 34 for methamphetamine possession for sale and parole violation.

II. VIOLATIONS OF LOCAL CODES AT THE BRIDGE MOTEL

A. Department of Building Inspection

43. Beginning in 2005, the San Francisco Department of Building Inspection ("DBI") has inspected the Property, found violations, and issued Notices of Violations ("NOV") of the San Francisco Housing Code.

44. On February 1, 2005, DBI issued a NOV for an expired permit to repair fire damage and to maintain a one-hour, fire-restrictive barrier between the commercial and residential portions of the building.

45. On February 18, 2005, DBI issued a NOV for a community shower locked from the outside denying residents access.

46. On October 3, 2005, DBI issued a NOV for lack of permit to operate the building's boiler.

47. On January 20, 2006, DBI issued a NOV to recharge all fire extinguishers and to replace a missing fire extinguisher on the second floor.

48. On February 22, 2006, DBI issued a NOV to repair or replace the building's boiler as there was no heat in the rooms.

49. On March 3, 2006, DBI issued a NOV for lack of required number of bathrooms, as three community bathrooms were locked in a manner that denied residents access.

50. On March 31, 2006, DBI issued a NOV for malfunctioning fire alarm and failure to provide proper closure and latching of the front door to the building

51. On April 11, 2006, DBI issued a NOV for locking a community bathroom in a manner that denied residents access.

52. On April 28, 2006, DBI issued a NOV for garbage and debris at the property.

53. On July 11, 2006, DBI issued a NOV for a broken sink.

54. On June 15, 2006, DBI issued a NOV for failure to repair and maintain fire escape drop ladder, broken skylight, failure to restore fire sprinkler head to garbage chute, missing smoke detectors, unsafe extension cords, clogged toilets, broken sinks and faucets, water leak, refuse throughout building, cockroach infestation, an illegally constructed storage closet, broken window and sash frame, and broken sash cords.

55. On August 22, 2006, DBI issued a NOV for cockroach infestation, a broken sash cord and sash frame, leak from ceiling, and replacement of carpet smelling of urine.

56. On September 13, 2006, DBI issued a NOV for an unrepaired garbage chute fire sprinkler head, broken smoke detector, and damaged walls.

57. On October 11, 2006, DBI, after a duly noticed hearing, the Director of the Department of Building Inspection issued an Order of Abatement which declared the Property a public nuisance and instructed Defendants abate any remaining nuisance at the Property.

58. On December 8, 2006, DBI issued a NOV for lack of heat to one room.

59. On February 2, 2007, DBI issued a NOV for lack of daily reports and room receipts as required by Chapter 41 of the San Francisco Administrative Code and Section 1102(c) of the San Francisco Housing Code.

60. On February 16, 2007, DBI issued a NOV for missing intermittent guardrails at the top of the interior stairs, and lack of self closing devices and dead latch locks on the side exit door.

61. On March 2, 2007, DBI issued a NOV for bedbug infestation and a window in need of glazing seal.

62. On May 3, 2007, DBI issued a NOV for broken window, sash frame, toilet seat and tank cover in community toilet, dangling light socket, provide heat to two rooms, and repair doors.

63. On May 4, 2007, DBI issued a NOV for two broken windows.

64. On May 23, 2007, DBI issued a NOV for rodent infestation, plant overgrowth and deteriorated concrete which created an egress obstruction.

65. On June 8, 2007, DBI issued a NOV for leaking sink drain, refuse accumulation in garbage storage area, repair and paint damaged walls, and repair or replace floor covering.

66. On November 6, 2007, after a duly noticed hearing, the Director of the Department of Building Inspection issued an Order of Abatement which declared the Property a public nuisance and instructed Defendants abate any remaining nuisance at the property.

67. On September 4, 2008, DBI issued a NOV for lack of required fire sprinkler head at bottom of garbage chute, accumulation of rubbish, broken garbage chute, broken toilet seat, and need to replace weather proofing.

68. On December 8, 2008, DBI issued a NOV for garbage chute clogged with rubbish, refuse accumulation on side stairway, garbage storage area and roof ledges, and broken front door lock.

69. On May 7, 2009, DBI issued a NOV for broken window and broken sash frame, and accumulation of rubbish on window ledge.

70. On June 30, 2009, after a duly noticed hearing, the Director of the Department of Building Inspection issued an Order of Abatement which declared the Property a public nuisance and instructed Defendants abate any remaining nuisance at the property.

71. On July 21, 2009, DBI issued a NOV for a broken window, inoperable hot water faucet, and to replace a hollow core door with a solid core door.

72. On August 28, 2009, DBI issued a NOV to remove rubbish and trash from rear yard, ledge above rear yard, loose and abandoned items on roof, including ducts, pipes, abandoned satellite dishes, air-conditioning units, tarps, and cinder blocks.

B. Department of Public Health

73. Beginning in 2006, the San Francisco Department of Public Health ("DPH") has inspected the Property and found corrections were necessary to bring the Property into compliance with the San Francisco Health Code.

74. On June 12, 2006, DPH, after a room-to-room inspection, notified Bridge Motel management of cockroach infestation in 12 rooms and common hallways, broken sinks in three rooms, broken windows, and carpets in need of cleaning.

75. On July 27, 2006, DPH notified Bridge Motel management of the need to replace carpet, paint one room, cockroach abatement, and overflowing garbage in the motel's parking lot garbage dumpster.

76. On August 11, 2006, DPH notified Bridge Motel management of need for additional garbage service due to overflowing garbage in parking lot dumpster.

77. On November 6, 2007, DPH notified Bridge Motel management of live and dead cockroaches found in one room.

78. On December 4, 2007, DPH notified Bridge Motel management of garbage being thrown from rooms at the Bridge into netting between the Bridge and the neighboring Walgreen's structure.

79. On July 14, 2008, DPH notified Bridge Motel management of overflowing garbage in the motel's parking lot dumpster.

80. On July 22, 2008, DPH performed a room-to-room inspection of the property and found rooms with the following: lack of running water, leaking sink and drain, low hot water pressure, bedbugs and mold in common shows.

81. On August 20, 2008, DPH notified Bridge Motel management of overflowing garbage in the motel's parking lot garbage dumpster and garbage being reportedly thrown by Bridge tenants into the backyard a neighboring property.

82. On September 18, 2008, DPH notified Bridge management that they must provide additional pest control treatment for bedbugs in three rooms.

83. On October 20, 2008, DPH notified Bridge Motel management of excess garbage in the parking lot and overflowing garbage in the motel's dumpster.

84. On April 14, 2009, DPH notified Bridge Motel management that they must replace carpeting in one room based on foul odor.

85. On June 9, 2009, DPH notified Bridge Motel management that they must provide proof of pest control treatment for bedbug issues in three rooms.

C. San Francisco Fire Department

86. Beginning in 2006, the San Francisco Fire Department ("SFFD") has inspected the Property and found violations of the San Francisco Fire Code.

87. On June 21, 2006, SFFD issued a Notice of Violation because the Property had blocked exit stairways, lack of proof of current annual fire alarm certification, hazardous accumulation of combustible materials, trash accumulation, electrical extension cords used in lieu of permanent wiring, and lack of working smoke detectors in sleeping areas.

88. On December 3, 2007, SFFD issued a Notice of Violation to repair the fire alarm, provide proof of current fire alarm UL certification, repair wall/ceiling penetrations, and provide an approved permit for the fire alarm.

89. On July 30, 2009, SFFD instructed Bridge Motel management to correct a double-sided lock at rear of building, which was in violation of the San Francisco Fire Code.

FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFFS AGAINST ALL DEFENDANTS

COUNT ONE: GENERAL PUBLIC NUISANCE STATUTE (Civil Code Sections 3479, 3480)

90. Plaintiffs hereby incorporate by reference paragraphs 1 through 89 above, as though fully set forth herein.

91. By permitting the above described and other injurious and illegal activities to exist at the Motel, Defendants now are, and for a considerable period of time heretofore and at all times herein mentioned have been, causing and maintaining a continuing public nuisance within the meaning of

Civil Code Sections 3479 and 3480. The condition giving rise to this public nuisance is Defendants' use of the Property as a SRO in violation of state and local law, including those that ensure public safety. The manner in which Defendants maintain the Property is injurious to the health and safety of the public, is dangerous to human life and is offensive to the senses so as to interfere with the comfortable enjoyment of life or property of an entire community or neighborhood.

92. At all times herein mentioned, Defendants have had notice and knowledge that the Property constituted a public nuisance.

93. Plaintiffs have no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described herein.

94. Unless said nuisance is abated, the surrounding community and neighborhood, and the residents and citizens of the City and County of San Francisco, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the health and safety of the public, dangerous to human life and offensive to the senses so as to interfere with the comfortable enjoyment of life or property of the citizens and residents of the City and County of San Francisco.

COUNT TWO: PUBLIC NUISANCE PER SE
(San Francisco Housing, Fire and Health Codes)

95. Plaintiffs hereby incorporate by reference paragraphs 1 through 94 above, as though fully set forth herein.

96. Plaintiff City and County of San Francisco brings this cause of action pursuant to San Francisco Housing Code Sections 204(c)(2), 401, 1001, San Francisco Fire Code Sections 103.4.5, and San Francisco Health Code Sections 581.

97. Defendants have for a considerable period of time, and at all times herein mentioned, been maintaining the Property in violation of the San Francisco Housing Code. Pursuant to Housing Code Section 401, any condition that is dangerous to human life or is detrimental to health or is a fire hazard, or any building that has insufficient ventilation or illumination or inadequate or unsanitary sewage or plumbing facilities, or any substandard building, is a per se public nuisance.

98. Defendants have, and for a considerable period of time, and at all times herein mentioned, been maintaining the Property in violation of the San Francisco Fire Code. Pursuant to

Fire Code Section 103.4.5, any condition that is dangerous to human life or is detrimental to health or is a fire hazard, is a per se public nuisance.

99. Defendants have, and for a considerable period of time, and at all times herein mentioned, been maintaining the Property in violation of the San Francisco Health Code. Pursuant to Health Code Section 581, a violation of its provisions prohibiting, among other things, unsanitary conditions, pest harborage, accumulation of trash, and accumulation of debris, is a per se public nuisance.

100. At all times herein mentioned, Defendants had notice and knowledge that the Property constituted a public nuisance and an unsafe building or structure because they were notified by warnings, administrative notices and orders issued by DBI, SFFD, and DPH, but failed to take reasonable steps to abate the nuisance.

101. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described above.

102. Unless said nuisance is abated, the residents of the Property, the residents of adjacent properties, and the residents and citizens of the City and County of San Francisco, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the continuous enjoyment of life and the free use of property of said residents of the City and County of San Francisco and the People of the State of California.

103. By maintaining the Property in a manner violating the San Francisco Housing Code, Defendants have violated, disobeyed, omitted, neglected, and refused to comply with the San Francisco Housing Code and the notices and orders issued by DBI, and Defendants are thus subject to civil penalties up to $1,000 per day for each day that such violations existed and were permitted to continue as set forth in Housing Code Section 204(c)(2).

SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS BASED ON THE STORAGE AND SALE OF NARCOTICS AT THE PROPERTY (Health and Safety Code Sections 11570 -11587)

104. Plaintiff the People of the State of California hereby incorporates by reference Paragraphs 1- 103, as though fully set forth herein.

105. The Property is being, and for a considerable period of time prior to commencement of this action has been, used for the purposes of unlawfully selling, serving, storing, possessing, manufacturing, consuming or giving away controlled substances. Section 11570 of the California Health and Safety Code deems such conduct a nuisance as a matter of law.

106. The Defendants, as owners, lessees, managers and lien holders of the Property, and employees and agents of the same, are and for a considerable period of time prior to commencement of this action have been, directly or indirectly maintaining or permitting the Property to be used for the unlawful sale, service, storage, possession, manufacture, consumption or distribution of controlled substances, resulting in a public nuisance.

107. Unless the Defendants are enjoined by an order of this court to close the Property for one year pursuant to California Health and Safety Code Section 11581(b); and, to pay civil penalties of $25,000 for violation of Health and Safety Code Section 11570 pursuant to Health and Safety Code Section 11581; or, if closure may create a public nuisance or may otherwise harm the community, to pay damages in an amount equal to the fair market rental value of the Property for one year to the City and County of San Francisco for the purpose of carrying out drug prevention and education programs pursuant to California Health and Safety Code Section 11581(c)(1), the Defendants will continue to directly and indirectly use, permit and maintain said Property as a public nuisance, and by such conduct, continue to cause irreparable injury to the People of California and the residents of the City and County of San Francisco.

108. Plaintiffs have no adequate remedy at law in that damages alone are insufficient to protect the public from the present injury and harm caused by the conduct described above.

THIRD CAUSE OF ACTION FOR UNFAIR AND UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS (Business and Professions Code Sections 17200-17210)

109. Plaintiff the People of the State of California hereby incorporates by reference paragraphs 1 through 108 above, as though fully set forth herein.

110. Plaintiff brings this cause of action in the name of the People of the State of California pursuant to Business and Professions Code Sections 17200-17210 in order to protect the public as

consumers and competitors from unlawful and unfair practices committed by Defendants in the commercial use and operation of the Property as a public nuisance and in violation of the law within the City and County of San Francisco, State of California.

111. Defendants transact business by operating a commercial business within the City and County of San Francisco, State of California.

112. The violations of law described herein have been and are being carried out wholly or in part within the City and County of San Francisco. The actions of Defendants are in violation of the laws and public policies of the City and County of San Francisco and the State of California, and are inimical to the rights and interest of the general public.

113. Defendants have and are engaging in the following unfair and unlawful business practices prohibited by the Unfair Competition Law:

A. creating and maintaining a public nuisance within the meaning of Civil Code Sections 3479 and 3480;

B. violating and creating and maintaining a public nuisance within the meaning of the State Housing Law;

C. violating and creating and maintaining a public nuisance within the meaning of the State Drug Abatement Act;

D. violating and creating and maintaining a public nuisance within the meaning of the San Francisco Housing Code;

E. violating and creating and maintaining a public nuisance within the meaning of the San Francisco Health Code;

F. violating and creating and maintaining a public nuisance within the meaning of the San Francisco Fire Code.

114. As described in Paragraphs 20-89 above, Defendants, in the course of their business as the owners, lessees, managers, and/or maintainers of commercial property that violates the San Francisco Municipal Code and State nuisance and other laws, are now and for a considerable period of time heretofore and at all times herein mentioned, have engaged and are engaging in a pattern and

practice of unlawful acts and courses of conduct constituting unfair business practices and unfair competition as prohibited by the Unfair Competition Law.

115. As a direct and proximate result of the foregoing acts and practices, Defendants have received or will receive income, profits, and other benefits, which they would not have received if they had not engaged in the violations of the Unfair Competition Law described in this Complaint.

116. As a direct and proximate result of the foregoing acts and practices, Defendants have obtained a competitive unfair advantage over similar businesses that have not engaged in such practices.

117. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described in this Complaint.

118. Unless injunctive relief is granted to enjoin the unfair and unlawful business practices of Defendants, Plaintiff will suffer irreparable injury and damage.

119. By engaging in unfair and unlawful business practices described herein, Defendants are subject to civil penalties in the amount of $2,500 per violation, pursuant to Business and Professions Code Section 17206.

WHEREFORE, PLAINTIFFS PRAY:

1. that the Property and structures located at 2524-2532V Lombard Street, together with the fixtures and moveable property therein and thereon, be declared a public nuisance in violation of Civil Code Sections 3479 and 3480, Health and Safety Code Section 11570, and the San Francisco Housing, Health and Fire Codes;

2. the public nuisance at the Property be abated;

3. that all Defendants, and each of them, their agents, officers, managers, representatives, employees, and anyone acting on their behalf, and their heirs and assignees be enjoined from operating, conducting, using, occupying, or in any way permitting the use of the property and structures at 2524-2532V Lombard Street, as a public nuisance pursuant to Civil Code Sections 3479, 3480, 3491, and 3494, Code of Civil Procedure Section 731, and Business and Professions Code Sections 17200-17210 and Health and Safety Code Sections 11570-11587;

4. that Defendants be declared to have engaged in unfair and unlawful business acts and practices in violation of Business and Professions Code Sections 17200-17210;

5. that, pursuant to Business and Professions Code Sections 17203-17204, Defendants, their agents, officers, managers, representatives, employees, and anyone acting on their behalf, and their heirs, successors, and assignees be enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property in violation of the Civil Code Sections 3479 and 3480, Health and Safety Code Sections 11570-11587, or otherwise engaging in the unfair and unlawful business practices described in this Complaint;

6. Defendants, and each of them, inclusive, be enjoined from spending, transferring, encumbering, or removing from California any money received from the Property or in payment for the unfair and unlawful acts alleged in the Complaint;

7. pursuant to Health and Safety Code Section 11581, Defendants be ordered to pay civil penalties of $25,000 for violation of Health and Safety Code Section 11570;

8. pursuant to California Health and Safety Code Section 11581(c)(1) Defendants be ordered to pay damages in an amount equal to the fair market rental value of the Property for one year to the City and County of San Francisco for the purpose of carrying out drug prevention and education;

9. pursuant to Business and Professions Code Section 17206, Defendants be ordered to pay a civil penalty of $2,500 for each act of unfair and unlawful competition in violation of Business and Professions Code Section 17200;

10. pursuant to Business and Professions Code Section 17206.1, Defendants be ordered to pay an additional civil penalty of $2,500 for each act of unfair and unlawful business practice that affected one or more elderly or disabled persons;

11. pursuant to Business and Professions Code Section 17203, that the Court order restitution of all money or property acquired by Defendants as a result of the unlawful business practices to Motel patrons during all times relevant to the Complaint;

12. that Plaintiffs recover the costs of suit, including attorneys' fees, costs of investigation and discovery from Defendants, their successors and assigns, as provided by Civil Code Section 3496(d) and the State Housing Law;

13. that Plaintiffs recover the costs of suit from Defendants, their successors and assigns, as provided by Code of Civil Procedure Section 1032;

14. that Plaintiffs shall have a lien upon Defendants' real estate interest in the Premises in the amount expended pursuant to statutory authority and to have judgment in this amount against Defendants, their successors and assigns;

15. recordation of an Abstract of Judgment in this case constitute a prior lien over any lien that may be held on the Property by any Defendants to this action; and

16. the Court grant such other and further relief as this Court should find just and proper, including attorneys' fees and costs as allowed by statute.

Dated: October 26, 2009

DENNIS J. HERRERA
City Attorney
ALEX G. TSE
Chief Attorney
Neighborhood and Resident Safety Division
CURTIS CHRISTY-CIRILLO
Deputy City Attorney

By: _____
CURTIS CHRISTY-CIRILLO

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO AND
PEOPLE OF THE STATE OF CALIFORNIA

INDEX TO EXHIBITS

Exhibit	Description
A	Property Description for 2524-2532V Lombard Street, San Francisco, California

EXHIBIT A

Property Address:
2524-2532V Lombard Street

All that real property in the City and County of San Francisco, State of California, described as follows:

PARCEL A:

COMMENCING at a point on the Northerly line of Lombard Street, distant thereon 101 feet, 3 inches Westerly from the Westerly line of Divisadero Street, running thence Westerly along said line of Lombard Street 75 feet; thence at a right angle Northerly 137 feet, 6 inches; thence at a right angle Easterly 75 feet; thence at a right angle Southerly 137 feet, 6 inches to the point of commencement.

BEING part of Western Addition Block No. 488.

Assessor's Parcel No. Lot 3, Block 935

PARCEL B:

COMMENCING at a point on the Northerly line of Lombard Street, distant thereon 176 feet and 3 inches Westerly from the Westerly line of Divisadero Street; running thence Westerly along said line of Lombard Street 50 feet; thence at a right angle Northerly 137 feet and 6 inches; thence at a right angle Easterly 50 feet; and thence at a right angle Southerly 137 feet and 6 inches to the point of commencement.

BEING part of Western Addition Block No. 488.

Assessor's Parcel No. Lot 4, Block 935